

**KENTUCKY PERSONNEL BOARD
MINUTES OF FEBRUARY 12, 2016**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Vice Chairman Larry Gillis on February 12, 2016, at approximately 9:30 a.m., 28 Fountain Place, Frankfort, Kentucky.

Board Personnel Present:

Wayne "Doug" Sapp, Chairman
Larry B. Gillis, Vice Chairman
Tommy W. Chandler, Member
Amanda Cloyd, Member
Mark A. Sipek, Executive Director and Secretary
Boyce A. Crocker, General Counsel
Cynthia Perkins, Administrative Section Supervisor

Board Personnel Absent:

David F. Hutcheson, Jr., Member
David B. Stevens, Member

2. **READING OF THE MINUTES OF REGULAR MEETING HELD JANUARY 8, 2016**

The minutes of the last Board meeting had been previously circulated among the members. Vice Chairman Gillis asked for additions or corrections. Ms. Cloyd moved to approve the minutes, as submitted. Mr. Sapp seconded and the motion carried 4-0. The Board members signed the minutes.

3. **EXECUTIVE DIRECTOR'S REPORT**

Mr. Sipek went over the Board's statistical data for calendar year 2015. He advised that 352 new appeals were filed with the Board in 2015. There were 284 final orders issued and, of particular note, 63 were settlements.

At the conclusion of Mr. Sipek's report, Vice Chairman Gillis called for the Personnel Cabinet's report.

4. **PERSONNEL CABINET'S REPORT**

Secretary Thomas Stephens and Commissioner Mary Elizabeth Bailey came forward to present the Personnel Cabinet's report.

Mr. Stephens provided the Board with a draft of the "Executive Branch: Hiring and Selection Process" document that was sent to all agencies for comments by February 19, 2016. Mr. Stephens stated that he would also like the Board to review the draft and provide input, if any.

Ms. Bailey stated that the Cabinet was in the process of standardizing human resource practices in all agencies. For instance, some agencies (particularly small agencies) are conducting one-on-one interviews. The Cabinet will provide additional panel members, if needed. She also suggested that the immediate supervisor be a part of the panel.

Mr. Stephens stated that after comments are received, the document will be reviewed by the Cabinet's legal office, and a proposed policy will be shared with other agencies. The ultimate goal is to see these practices promulgated as an administrative regulation.

5. ORAL ARGUMENTS - None

6. CLOSED SESSION

Judge Chandler moved that the Board go into Executive Session for the purposes of discussing complaints, proposed or pending litigation, and deliberations regarding individual adjudications. Ms. Cloyd seconded. Vice Chairman Gillis stated that the motion had been made and seconded for the Personnel Board to retire into closed Executive Session, passed by a majority vote of the members present, with enough members present to form a quorum. Pursuant to KRS 61.810(1) (c), (f), and (j), the Kentucky Open Meetings Act, the Board will now retire into closed Executive Session. Specific justification under the Kentucky Open Meetings Act for this action are as follows, because there will be discussion of proposed or pending litigation against or on behalf of the Board; and deliberations regarding individual adjudication. The motion carried 4-0. (9:50 a.m.)

Mr. Sapp moved to return to open session. Judge Chandler seconded and the motion carried 4-0. (10:50 a.m.)

7. CASES TO BE DECIDED

The Board reviewed the following cases. At that time, the Board considered the record including the Hearing Officers' findings of fact, conclusions of law and recommendations, any exceptions and responses which had been filed, and oral arguments where applicable.

**A. Perry Puckett v. Cabinet for Health and Family Services (2009-272)
[On Remand] (Deferred to February)**

Judge Chandler, having noted Appellant's exceptions, Appellee's response and oral arguments, moved to accept the recommended order dismissing the appeal. Ms. Cloyd seconded and the motion carried 4-0.

B. Justin Weathers v. Cabinet for Health and Family Services (2015-054)

Mr. Sapp, having noted Appellee's exceptions and Appellant's response, moved to accept the recommended order sustaining the appeal. Ms. Cloyd seconded and the motion carried 4-0.

C. Christopher Lee Bishop v. Transportation Cabinet (2015-259)

Judge Chandler moved to accept the recommended order dismissing the appeal. Mr. Sapp seconded and the motion carried 4-0.

D. Gerald W. Ellery v. Cabinet for Health and Family Services (2014-175)

Ms. Cloyd, having noted Appellant's exceptions and Appellee's response, moved to accept the recommended order dismissing the appeal. Judge Chandler seconded and the motion carried 4-0.

E. Eric Jessee v. Finance and Administration Cabinet (2014-303)

Mr. Sapp moved to defer this matter to the next Board meeting. Ms. Cloyd seconded and the motion carried 4-0.

F. Deborah Zimmerman v. Cabinet for Health and Family Services (2015-252)

Mr. Sapp moved to accept the recommended order dismissing the appeal. Judge Chandler seconded and the motion carried 4-0.

8. WITHDRAWALS

Judge Chandler moved to accept the following withdrawal of appeals *en bloc* and to dismiss the appeals. Ms. Cloyd seconded and the motion carried 4-0.

- A. Patrick Flanagan v. Cabinet for Health and Family Services & Personnel Cabinet (2015-316)
- B. Troy G. Klaber v. Personnel Cabinet (2015-290)
- C. Todd Moore v. Transportation Cabinet and Personnel Cabinet (2015-328)
- D. Sandy Poteet v. Department of Education and Personnel Cabinet (2015-294)
- E. Raymond Allen v. Transportation Cabinet and Personnel Cabinet (2015-336)
- F. Paul Beckham v. Transportation Cabinet and Personnel Cabinet (2015-337)
- G. Edward Downs v. Transportation Cabinet and Personnel Cabinet (2015-339)
- H. Chad Lindsey v. Transportation Cabinet and Personnel Cabinet (2015-342)
- I. Ben Wathen v. Transportation Cabinet and Personnel Cabinet (2015-350)
- J. Howard King v. Transportation Cabinet and Personnel Cabinet (2015-325)
- K. Jeremy Nichols v. Transportation Cabinet and Personnel Cabinet (2015-345)
- L. Brandon Tolliver v. Transportation Cabinet and Personnel Cabinet (2015-267)

9. **SETTLEMENTS**

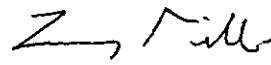
Mr. Sapp moved to issue a settlement order *en bloc* and to sustain the appeal to the extent set forth in the settlement as submitted by the parties, *with the exception of "C" conditional upon getting the appropriate appointing authority's signature.*¹ Judge Chandler seconded and the motion carried 3-0, with Vice Chairman Gillis abstaining.

- A. Renay Beagle v. Cabinet for Health and Family Services (2015-181)
- B. Mackenzie Dixon v. Justice and Public Safety Cabinet/Corrections (2015-066)
- C. Aaron Kimbler v. Justice and Public Safety Cabinet/Corrections (2015-228)
- D. Todd McGuire v. Cabinet for Health and Family Services (2013-240)
- E. Missy Davis v. Public Protection Cabinet (2014-325)

10. **OTHER**

There being no further business, Mr. Sapp moved to adjourn. Ms. Cloyd seconded and the motion carried 4-0. (10:55 a.m.)

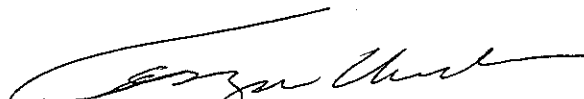
Wayne D. Sapp, Chairman



Larry Gillis, Vice Chairman



Amanda Cloyd, Member



Tommy W. Chandler, Member

¹ The appropriate appointing authority's signature was obtained; and the Final Order was mailed out on February 18, 2016.